

## REMARKS

Applicant has cancelled claims 2-7, 9-11, 13-26 and 28-29, added claim 35 and amended claims 1 and 8. Claims 1, 8, 12, 27, 30-35 are pending in this application.

The Examiner rejected claims 1-5, 8-12, 14-24 and 26 under 35 U.S.C. Section 102(b) as being anticipated by Mueller (US Patent No. 5725521). The Examiner also rejected claims 1-5, 8-12, 14-24 and 26 under 35 U.S.C. Section 102(b) as being anticipated by Kittrell (US Patent No. 5693043). The Examiner also rejected claims 1 and 8 under 35 U.S.C. Section 102(b) as being anticipated by Michaels (EP 0 311 295 A2).

Although Applicant respectfully disagrees with the Examiner, in the sole interest of advancing prosecution of the present application, Applicant has amended independent claims 1 and 8 to recite “a ceramic spacer”. Support for this feature is found in paragraph 83 of the present specification. Applicant submits that none of the cited references, either individually or in combination, teach or suggest a spacer that is made of ceramic material. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1 and 8.

Dependent claim 12 is also patentable by virtue of its dependency from independent claim 8.

The Examiner rejected method claims 27 and 30-34 under 35 U.S.C. Section 103(a) as being obvious over Vascular Solution brochure (Exhibit A) in view of Duett (Exhibit B). Applicant respectfully traverses the rejection.

Applicant submits that the Vascular Solutions brochure is not prior art. The earliest effective U.S. filing date for the present application is July 2, 2002, which is the filing date of the provisional application to which the present application claims priority. The provisional application fully supports the method claims (claims 27 and 30-34). By contrast, the date of the Vascular Solution brochure is 2003 which is later than the filing date of July 2, 2002. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection of claims 27 and 30-34.

New claim 35 is also patentable by virtue of its dependency from claim 27.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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